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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,574	10/11/2000	Jack Lau	4522/8	4748
23548	7590	12/27/2005	EXAMINER	
LEYDIG VOIT & MAYER, LTD			OPSASNICK, MICHAEL N	
700 THIRTEENTH ST. NW				
SUITE 300			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005-3960			2655	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/686,574	LAU ET AL.	
	Examiner	Art Unit	
	Michael N. Opsasnick	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 5-22,24-34 and 61-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 5-22,24-34 and 61-64 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Amendment

1. The intention of the amendment filed 10/7/05 is unclear in the sense that on page 12 of the response, applicant's representative comments that 'the remaining claims are amended for clarity', thereby implying that the claim amendments are for clarity only, and that the claim scope of the amended claims have not changed, albeit subtly. However, upon closer review of the amended claims, the claim scope has indeed changed. Examiner is not clear with respect to the intention of the claim amendments; therefore, Examiner will assume (until applicant's representative explicitly states the intention of the claim amendments) that the amended claims have the same claim scope, and are therefore rejected under the same rationale as presented in the previous office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 5-22,24-34,61-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Fiedler (6804638).

As per claims 5,6,17,22,61-64, Fiedler (6804638) teaches a method for storing sets of digital signals in a compressed format in a computer disc storage device representing audio segments (as storing audio segments → col. 4 lines 19-30; onto a hard drive → col. 3 lines 1-7) comprising:

“storing one or more....storage device” as storing the captured data (col. 7 lines 23-30);

“retrieving an uncompressed.....device....and compressing....digital signals” as retrieving stored data an compressing (col. 7 lines 42-47);

“storing the compressed.....signals have been compressed” as re-storing the compressed data for the purpose of creating more memory space for the newly recorded uncompressed data (col. 7 lines 34-40);

As per claims 7-9,15,16, Fiedler (6804638) teaches retrieving uncompressed formatted signals after storage, storing the compressed signal in different parts of the memory device (including a computer readable disc), retrieval and compression occurring one set at a time, and making available future memory space (as compression and storing the uncompressed/compressed signals, separately (Fig. 2), col. 6 line 55 – col. 7 line 19; for the purpose of saving memory space → col. 7 lines 35-45).

As per claims 10,11, Fiedler (6804638) teaches storing the differently compressed signals into different memory devices, including a hard disc (col. 3 lines 1-12).

As per claims 12,19,21,26, Fiedler (6804638) teaches the use of old and well known compression algorithms (col. 7 lines 42-43, which would include the MP3 format).

As per claims 13,14, Fiedler (6804638) teaches the compressed stored signals as audio signals (col. 4 lines 30-35).

As per claim 18, Fiedler (6804638) teaches retrieving stored signals for compression after the storage of such uncompressed data (as retrieving the captured data → col. 7 lines 38-42).

As per claim 20, Fiedler (6804638) teaches retrieving and compression of sets of signals one set at a time (as reserving memory to perform recording, storage, and compression, one set at a time → col. 78 lines 10-22).

As per claim 22, Fiedler (6804638) teaches compression/decompression step using a predetermined priority (as deferring storage (including compression) so as to allow the user to cancel data capture → col. 7 lines 26-30).

As per claim 24, Fiedler (6804638) teaches recording (compression) occurs at user's request, but cannot be performed during playback (decompression) → col. 8 line 45 – col. 9 line 27.

As per claim 25, Fiedler (6804638) teaches playback (including retrieval) after data capture (Fig. 6a-6b).

As per claim 27, Fiedler (6804638) teaches the uncompressed retrieval and compression, of a set of signals, one set at a time (as alternating recording/playback -- this technique includes the compression of the stored uncompressed data → col. 6 lines 55-65).

System claims 28-34 are similar in scope to the method claims 17-22, implemented on a processor (col. 4 lines 20-35; Fig. 1), and are rejected under the same rationale.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (art that would be applied if applicant intended that the amended claims did indeed change claim scope):

Modeste et al (5852800) teaches the storage and compression/decompression of audio data, as well as mixing, using multiple memory devices (abstract, fig. 5)

Cheng (6643744) teaches multiple memory devices used in audio compression/decompression to reduce access latency (abstract, fig. 9a)

Kikuchi et al (65708370 teaches audio/video playback memory devices so as to track playback position after editing (i.e., compression, etc.)

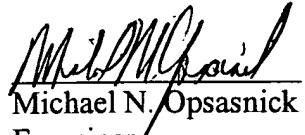
Akagiri (5490130,5530750); Maeda et al (5343452) teaches multiple buffer memory for the compression/decompression of audio disc data.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnich, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Wayne Young, can be reached at (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
12/21/05


Michael N. Opsasnich
Examiner
Art Unit 2655